

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-11 are currently pending. Claims 1, 6, and 11 have been amended by the present amendment. The changes to the claims are supported by the originally filed specification and do not add new matter.

In the outstanding Office Action, Claims 1-11 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,839,033 to Takahashi et al. (hereinafter "the '033 patent").

Applicants wish to thank the Examiner for the interview granted Applicants' representative on February 16, 2005, at which time the outstanding rejection of the claims was discussed. In particular, the relationship between the claimed document reading unit and the size detection unit was discussed. However, no agreement was reached pending the Examiner's further consideration of the claims upon formal submission of a response to the outstanding Office Action.

Amended Claim 1 is directed to an image processing apparatus, comprising, *inter alia*: (1) a document reading unit configured to read a document at a constant speed and to generate image data comprising a digital signal; (2) a size detection unit configured to detect a size of the document read by the document reading unit, the size detection unit configured to detect the size of the document after said document is read by said document reading unit; (3) a storing unit configured to store the image data generated by the document reading unit in association with information about the detected size of the read document; (4) an enlargement/reduction specifying unit configured to specify an enlargement/reduction condition when the read document is to be output; (5) an enlargement/reduction factor calculating unit configured to calculate an enlargement/reduction factor based on the

information about the size of the read document stored in the storing unit and the enlargement/reduction condition specified by the enlargement/reduction specifying unit; and (6) an enlargement/reduction unit configured to carry out enlargement/reduction of the image data stored in the storing unit based on the enlargement/reduction factor calculated by the enlargement/reduction factor calculating unit. Claim 1 has been amended to clarify that the size detection unit is configured to detect the size of the document after the document is read by the document reading unit. The changes to Claim 1 are supported by the originally filed specification and do not add new matter.¹ Without limiting the claimed invention, an advantage of the invention recited in Claim 1 is that it provides an image processing apparatus that does not need a mechanical enlargement/reduction mechanism for controlling a relative document feeding speed for an optical reading mechanism that is different from that in the conventional art; even if documents of various sizes are mixed, they can be read at a constant speed independent of the size of the documents.

Regarding the rejection of Claim 1, the '033 patent is directed to an image forming apparatus including means for setting the size of the original document, the size of the output document, and the desired margins on the output document. As shown in Figures 17-20A, the '033 patent discloses that when the user presses a start key after the size of a document is detected, a magnification is calculated, the document is read with the calculated magnification, and the read image is stored in a page memory. See step ST4 in Figure 17, node B of Figure 17, step ST16 of Figure 18, node C of Figure 18, step ST34 of Figure 19, node D of Figure 19, and step ST39 of Figure 20A. The '033 patent discloses a system in which a magnification based on the size of a document and a specified condition to read the document with the calculated magnification. Thus, the '033 patent discloses that detection of the document size is required before the document is read. Further, the '033 system requires

¹ See page 36, lines 13-20 of the specification.

calculation of the magnification before reading the document. In particular, as shown in Figure 6, the '033 patent discloses a "portion for controlling reading of an original document" 351 that controls the reading of an original document based on the reduction or enlargement ratio in accordance with the relationship between the output sheet and the size of the original document.² However, Applicants respectfully submit that the '033 patent fails to disclose that the size detection unit is configured to detect the size of the document after the document is read by the document reading unit, as recited in amended Claim 1. Rather, the '033 patent discloses that the size of the document is determined prior to reading of the document. Further, Applicants submit that the '033 patent fails to disclose a storing unit configured to store image data generated by a document reading unit in association with information about the size of the read document detected by a size detection unit, as recited in Claim 1. The '033 patent does not disclose that the size information is stored in association with the image data. Accordingly, Applicants respectfully submit that the rejection of Claim 1 (and dependent Claims 2-5) as anticipated by the '033 patent is rendered moot by the present amendment to Claim 1.

Independent Claims 6 and 11 recite limitations analogous to the limitations recited in amended Claim 1. Moreover, Claims 6 and 11 have been amended in a manner analogous to the amendments to Claim 1. Accordingly, for the reasons stated above for the patentability of Claim 1, Applicants respectfully submit that the rejections of independent Claim 6 (and dependent Claims 7-10) and independent Claim 11 as anticipated by the '033 patent are rendered moot by the present amendment to Claims 6 and 11.

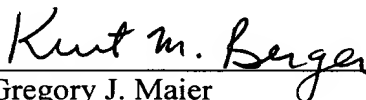
Thus, it is respectfully submitted that independent Claims 1, 6, and 11 (and all associated dependent claims) patentably define over the '033 patent.

² See, e.g., '033 patent, column 7, lines 57-67. See also, column 10, lines 51-52.

Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Customer Number

22850

Tel: (703) 413-3000

Fax: (703) 413 -2220

(OSMMN 06/04)

I:\ATTY\KMB\199's\199688US\199688US-AM2.DOC

Gregory J. Maier
Attorney of Record
Registration No. 25,599
Kurt M. Berger, Ph.D.
Registration No. 51,461